



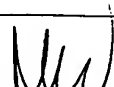
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,495	07/01/2003	Thomas Huber	27428/39408	3340
4743	7590	12/06/2004		
MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606				
			EXAMINER CRAWFORD, GENE O	
			ART UNIT 3651	PAPER NUMBER

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/611,495	Applicant(s) HUBER, THOMAS	
	Examiner Gene O. Crawford	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 3, 6, 7 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/5/03 & 7/1/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements filed February 5, 2004 and July 1, 2003 fail to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein that has been crossed out and not initialed has not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Emmons.

The roller drive unit disclosed by Emmons includes all the claimed features and in particular includes: **(claim 1)** a drive roller 2 including a core and a covering attached thereto; a drive motor for rotating the drive roller; the covering 20 including a plurality of

covering layers including an outer layer 8, at least one inner layer 14; at least one delimiting layer 6 that is constructed and disposed between at least one of the inner covering layers and the outer covering layer that the inner and outer layers are firmly connected via radial web portions 12 to one another and that a spreading of a fissure from the one covering layer into an adjacent covering layer is restricted as broadly claimed (column 1, lines 51-58); **(claim 2)** the covering layers 4, 6, 8 are constructed to be concentric with the outer surface; and **(claim 9)** the inner and outer layers being made of a material that is as similarly vulcanizable or polymerizable as rubber.

4. Claims 1, 2, 4, 5, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Lane, III et al.

The roller drive unit disclosed by Cyzycki et al. includes all the claimed features and in particular includes: **(claim 1)** a drive roller 12 including a core and a covering 10 attached thereto; a drive motor for rotating the drive roller; the covering 10 including a plurality of covering layers including an outer layer 28, at least one inner layer 20; at least one delimiting layer 22 that is constructed and disposed between at least one of the inner covering layers and the outer covering layer that the inner and outer layers are firmly connected to one another via vulcanization and that a spreading of a fissure from the one covering layer into an adjacent covering layer is restricted as broadly claimed; **(claim 2)** the covering layers are constructed to be concentric with the outer surface; **(claims 4, 5)** the delimiting layer 22 including a single ply woven fabric; and **(claims 8, 9)** the inner and outer layers being made of rubber or a material that is as similarly vulcanizable or polymerizable as rubber (column 4, lines 38-44).

Allowable Subject Matter

5. Claims 3, 6, 7 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: a roller drive unit including the unique features of 'the delimiting layer defining openings through which the material of adjacent covering layers can come into direct contact with each other' and 'a plurality of delimiting layers superimposed such that they are substantially equidistant from one another' in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

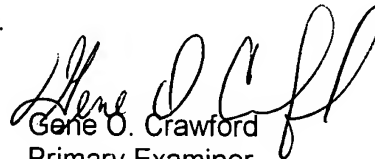
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are cited to show the art with respect to drive rollers having multi-layered coverings: Van Schepdael et al., Kaji et al., Cyzycki et al. and Sloten.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 703/305-9733. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 703/308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gene O. Crawford
Primary Examiner
Art Unit 3651
